

AMENDED IN SENATE MARCH 14, 2011

SENATE BILL

No. 245

Introduced by Senator Rubio

February 10, 2011

~~An act relating to energy.~~ *An act to amend Section 13113.7 of the Health and Safety Code, relating to smoke detectors.*

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Rubio. ~~Energy: transmission projects: expedited permitting.~~ *Smoke detectors: mobilehomes, manufactured homes, and commercial modulars.*

Existing law requires a smoke detector approved and listed by the State Fire Marshal to be installed in each dwelling unit intended for human occupancy, as defined. A violation of those provisions is an infraction punishable by a maximum fine of \$200 for each offense.

This bill would revise the definition of "dwelling unit intended for human occupancy" to include mobilehomes, manufactured homes, and commercial modulars, as defined, and would require smoke detectors to be installed in those dwellings. The bill would also make clarifying, nonsubstantive changes.

By expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires energy and transmission projects to obtain specified certification or permits or both certification and permits from various state and local agencies.~~

~~This bill would state the intent of the Legislature to enact legislation to establish a new program to ease and expedite the state permitting process for transmission projects within the state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 13113.7 of the Health and Safety Code*
2 *is amended to read:*

3 13113.7. (a) Except as otherwise provided in this section, a
4 smoke detector, approved and listed by the State Fire Marshal
5 pursuant to Section 13114, shall be installed; in accordance with
6 the manufacturer's instructions in each dwelling *unit* intended for
7 human occupancy within the earliest applicable time period as
8 follows:

9 (1) For all dwelling units intended for human occupancy, *except*
10 *for mobilehomes, manufactured homes, and commercial modulars,*
11 upon the owner's application on or after January 1, 1985, for a
12 permit for alterations, repairs, or additions, exceeding one thousand
13 dollars (\$1,000).

14 (2) For all other dwelling units intended for human occupancy,
15 *except for mobilehomes, manufactured homes, and commercial*
16 *modulars,* on or after January 1, 1987.

17 (3) *For mobilehomes, manufactured homes, and commercial*
18 *modulars, on or after January 1, 2012.*

19 ~~However, if~~

20 (b) *If any local rule, regulation, or ordinance, adopted prior to*
21 *the compliance dates specified in paragraphs (1) and (2) subdivision*
22 *(a) requires installation of a smoke detector in a dwelling unit*
23 *intended for human occupancy of smoke detectors which receive*
24 *their that is subject to this section and that receives power from*
25 *the electrical system of the building, and requires compliance with*
26 *if the compliance date specified in the local rule, regulation, or*
27 *ordinance at a date is subsequent to the dates specified in this*
28 *section subdivision (a), the compliance date specified in the rule,*
29 *regulation, or ordinance shall, but only with respect to the dwelling*

~~units specified in this section;~~ *shall* take precedence over the dates specified in ~~this section~~ *subdivision (a)*.

~~The~~

~~(c) The~~ State Fire Marshal may adopt regulations ~~exempting dwellings to exempt dwelling units~~ intended for human occupancy with fire sprinkler systems from the provisions of this section, if he or she determines that a smoke detector is not reasonably necessary for fire safety in the occupancy.

~~Unless~~

~~(d) Unless~~ prohibited by local rules, regulations, or ordinances, a battery-operated smoke detector, ~~which~~ *that* otherwise meets the standards adopted pursuant to Section 13114 for smoke detectors, satisfies the requirements of this section.

~~(b)~~

~~(e) (1) “Dwelling units unit~~ intended for human occupancy,” as used in this section, includes a duplex, lodging house, apartment complex, hotel, motel, condominium, stock cooperative, time-share project, ~~or dwelling unit of a multiple-unit dwelling complex. For the purpose of this part, “dwelling units intended for human occupancy” does not include manufactured homes as defined in Section 18007, mobilehomes as defined in Section 18008, and commercial coaches as defined in Section 18001.8, commercial modular, manufactured home, or mobilehome.~~

~~(2) For purposes of this part, the following definitions apply:~~

~~(A) “Commercial modular” shall have the same meaning as defined in Section 18001.8.~~

~~(B) “Manufactured home” shall have the same meaning as defined in Section 18007.~~

~~(C) “Mobilehome” shall have the same meaning as defined in Section 18008.~~

~~(e)~~

~~(f) The owner of each dwelling unit subject to this section shall supply and install smoke detectors required by this section in the locations and in the manner set forth in the manufacturer’s instructions, as approved by the State Fire Marshal’s regulations. In the case of~~ For apartment complexes and other multiple-dwelling complexes, a smoke detector shall be installed in the common stairwells. All fire alarm warning systems supplemental to the smoke detector *also* shall ~~also~~ be listed by the State Fire Marshal.

1 ~~(d)~~

2 (g) A high rise structure, as defined in subdivision (b) of Section
3 13210 ~~and regulated by Chapter 3 (commencing with Section~~
4 ~~13210), and which, that~~ is used for purposes other than as a
5 dwelling ~~units~~ *unit* intended for human occupancy; is exempt from
6 the requirements of this section.

7 ~~(e)~~

8 (h) The owner shall be responsible for testing and maintaining
9 detectors in hotels, motels, lodging houses, ~~and~~ common stairwells
10 of apartment complexes, and other multiple dwelling complexes.

11 ~~An~~

12 (i) ~~An~~ owner or the owner's agent may enter ~~any~~ a dwelling
13 unit, efficiency dwelling unit, guest room, ~~and or suite owned by~~
14 ~~the owner for the purpose of installing, repairing, testing, and~~
15 ~~maintaining to install, repair, test, or maintain a~~ single station
16 smoke ~~detectors~~ *detector* required by this section. Except in cases
17 of emergency, the owner or owner's agent shall give the ~~tenants~~
18 ~~tenant of each such~~ *the* unit, room, or suite reasonable notice, in
19 writing, of the intention to enter, and shall enter only during normal
20 business hours. Twenty-four hours shall be presumed to be
21 reasonable notice in *the* absence of evidence to the contrary.

22 ~~The~~

23 (j) A smoke detector shall be operable ~~at the time that the~~ *when*
24 *a* tenant takes possession. ~~The~~ *An* apartment complex tenant shall
25 be responsible for notifying the manager or owner if the tenant
26 becomes aware of an inoperable smoke detector within his or her
27 unit. The owner or authorized agent shall correct any reported
28 deficiencies in the smoke detector, and shall not be in violation of
29 this section for a deficient smoke detector when he or she has not
30 received notice of the deficiency.

31 ~~(f)~~

32 (k) A violation of this section is an infraction punishable by a
33 maximum fine of two hundred dollars (\$200) for each offense.

34 ~~(g)~~

35 (l) This section shall not affect any rights ~~which~~ *that* the parties
36 may have under any other provision of law because of the presence
37 or absence of a smoke detector.

38 ~~(h)~~

39 (m) This section shall not apply to the installation of smoke
40 detectors in single-family dwellings or factory-built housing ~~which~~

1 *that is regulated by Section 13113.8, as added by Assembly Bill*
2 *No. 2285 of the 1983–84 Regular Session.*

3 *SEC. 2. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

12 ~~SECTION 1. (a) It is the intent of the Legislature to enact~~
13 ~~legislation to establish a new program to ease and expedite the~~
14 ~~state permitting process for transmission projects within the state.~~

15 ~~(b) It is further the intent of the Legislature that this new~~
16 ~~program require appropriate state agencies to establish one program~~
17 ~~under which qualified transmission projects would have expedited,~~
18 ~~coordinated, and knowledgeable processing of all necessary state~~
19 ~~permits, and would have a defined timeframe within which all~~
20 ~~permits would be issued after all documents required pursuant to~~
21 ~~the California Environmental Quality Act (Division 13~~
22 ~~(commencing with Section 21000) of the Public Resources Code)~~
23 ~~have been certified.~~